## AREA QUARANTINE: RADIOACTIVE SUBSTANCES

Prepared By: Office of General Counsel, Texas Department of State Health Services
April 21, 2006

ISSUE: Can local health authorities and/or DSHS impose an area quarantine in response to the dispersal of radioactive material?

**ANSWER:** Yes. Local health authorities as well as DSHS can impose an area quarantine once a radioactive substance or material is introduced into the environment. DSHS also has the authority to issue an emergency order relating to meeting an emergency caused by the movement or dispersal of radioactive material.

**DISCUSSION**: Under Tx. Health and Safety Code Chapter 508, both the local health authorities and the DSHS Commissioner (health authorities) have authority to impose area quarantines once health authorities have determined that the introduction of an environmental or toxic agent into the environment has occurred. Radioactive substance is included in the list of environmental or toxic agents contained in the statute. HSC 508.001(1) The area quarantine imposed under this statute must be imposed in the same manner and subject to HSC 81.085 relating to area quarantine in response to an outbreak of a communicable disease. Additionally, the DSHS Commissioner and local health authorities may exercise any power consistent with HSC 81.085 including "measures...necessary and most appropriate to arrest, control and eradicate the threat to the public health." HSC 81.085(c).

Under Tx. Health and Safety Code Sections 401.056 and 401.068, DSHS has broad authority to issue emergency orders requiring action to be taken to protect the public health and safety and the environment from the effects of radioactive material.

WAIVER OF LAW OR RULES: n/a

**CONTACT:** Tom Godard, 458-7111, extension 6979, Room M-522.